IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.32941 of 2007
DASRATH SAH
Versus
STATE OF BIHAR
With
Cr.Misc. No.52616 of 2007
SANJAY KUMAR VERMA
Versus
STATE OF BIHAR
---

12 17.9.2008 Heard learned counsel for the petitioner and the State.

The petitioner in Cr.Misc.No.32941 of 2007 apprehends his arrest in Patepur P.S.Case No.15 of 2005 dated 5.3.2005. Annexure-2 annexed to this petition is a copy of the supervision note dated 26.7.2005 of S.D.P.O., Mahua, wherein it transpired that one Laxmi Choudhary, Postman Iftekhar Ahmad (who has been added as Opposite party no.2), Anwar Ahmad, Bateshwar Ram, Rajendra Sahni, Barun Kumar Singh and Aklu Thakur are involved in the case.

WEB COPY NOT OFFICIAL

In view of the materials coming in supervision note, this court noticed the Postman Iftekhar Ahmad, Opposite Party no.2, who was earlier granted bail by this court on 23.3.2007 passed in Cr.Misc.No.10531 of 2007. On service of notice, this court heard both the petitioner and Opposite party no.2.

The prosecution case in short is that in departmental enquiry it was found that during 15.1.2003 to 14.7.2003, the Postal department had suffered a loss of about Rs.18 lacs. The allegation was in respect of fraud and defalcation in connection with V.P.P. Parcels being issued and paid in connivance with the Department's

staff. In course of departmental enquiry it was revealed that one Rohit Kumar who ran three concerns in the name and style of Rohit Traders, Rohit Ashram and Rohit International got issued V.P.P. orders without due sanction and by using used stamps.

The case of the petitioner Dasrath Sah is that he is a Clerk in the post office and was under Sub Inspector of Mahua Post Office. His duty was to hand over letters, V.P.P. Parcel and other documents to the concerned Postman for delivery after entry in the postal register. The offence relates to the period between 15.1.2003 to 14.7.2003 and the petitioner retired from service in the year 2003 itself.

Learned counsel for the petitioner submits that the Dy.S.P. in his supervision found involvement of other persons including Opposite party no.2 and not this petitioner. The name of the petitioner figures only in the C.I.D. enquiry at a belated stage. The police have not found any incriminating materials against him.

WEB COPY NOT OFFICIAL

It is true that the involvement of the petitioner was not found in course of police investigation but his involvement was noticed by the C.I.D. in his report in course of its investigation.

In this view of the matter, this court is no inclined to grant anticipatory bail to the petitioner Dasrath Sah. His prayer for bail is rejected. In case he is surrender and pray for regular bail, the same would be considered on its own merit, preferably on the same day, without being prejudice by the fact that he has moved this court for grant of anticipatory bail.

So far as Opposite Party No.2 Iftekhar Ahmad is concerned, he was granted anticipatory bail by this court by order dated 23.3.2007 passed in Cr.Misc.No.10531 of 2007 noticing that he is merely a Peon and he has no concerned with the management and execution of the affairs of the department and he has nothing to do with the VAP and internal work of the post office.

However, annexure-2 appended in the bail application of the petitioner Dasrath Sah would go to show that the involvement of Opposite Party no.2 came in course of supervision of the S.D.P.O. Mahua.

So far as cancellation of bail of Opposite Party no.2 Iftekhar Ahmad is concerned, let his bail application being Cr.Misc. 10531 of 2007 disposed of on 23.3.2007 be placed under the heading for Orders on 29.9.2008 along with records of instant case being Cr.Misc.Nos.32941 of 2007 and 52616 of 2007.

WEB COPY NOT OFFICIAL

The case of the petitioner Sanjay Kumar Verma in Cr.Misc.No.52616 of 2007, is that he was the person who had unearthed the defalcation and misappropriation going on in the department. He reported the matter to the superior officials. The Vigilance team of the department had also enquired the matter and found the enquiry report of the petitioner true and had given him clean chit. The petitioner was directed to lodge a F.I.R. which he reported but the same was never registered and this fact was also brought to notice of the superior officials of the department. In the meantime the petitioner was transferred at the instance of one Shri

P.N.Jha, Superintendent of Post Office, who was in inimical term with the petitioner.

Further case of the petitioner is that after enquiry he immediately stayed the order of booking and payment of V.P.L. in the name of three firms of Rohit Kumar. In his enquiry report he observed that all the staffs of the Post Office in Patepur were hands in gloves.

Learned counsel for the petitioner submits that after long delay three persons involved in the conspiracy namely Anwar Ahmad, Bateshwar Ram and Barun Kumar Singh took the name of the petitioner. He further submits that some of the accused persons have been granted regular bail.

WEB COPY

In course of investigation the Supervisory officer has found the involvement of this petitioner in the defalcation, causing loss of heavy revenue to the Postal Department.

NOT OFFICIAL

In this view of the matter, I am not inclined to grant anticipatory bail to the petitioner Sanjay Kumar Verma. His prayer for bail is rejected. In case he surrenders and pray for regular bail, the same would be considered on its own merit, preferably on the same day, without being prejudice by the fact that he has moved this court for grant of anticipatory bail.

(S.P.Singh,J)

KHAN

WEB COPY
NOT OFFICIAL